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DAVID EDWARDS
INTELLECTUAL PROPERTY SECTION
HERCULES INCORPORATED
HERCULES PLAZA
WILMINGTON, DE 19894-001

In re Application of
Jashawant J. Modi
Application No. 08/855,779
Filed: May 12, 1997
Attorney Docket No. MODI CASE 2

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 26, 1998, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the nonfinal Office action mailed February 5, 1998, which set a three month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a), this application became abandoned on May 6, 1998. A Notice of Abandonment was mailed on September 15, 1998.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

The file is being forwarded to Technology Center 1600.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Karen Canaan at (703) 306-3313.

Brian Hearn
Special Projects Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects